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# SOME PHASES OF THE ISSUES BETWEEN THE UNITED STATES AND TURKEY.

BY AMERICUS.

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THE issues between the United States and Turkey as defined at Constantinople during the past five or six years are easily grouped into four categories:

(1) The elevation of the American Legation to the rank of an Embassy.

(2) Commercial questions, large and small.

(3) Treatment of American religious and educational and philanthropic enterprises within the Ottoman Empire.

(4) Position and treatment of naturalized American citizens, formerly Ottoman subjects, when they return to the Empire.

The order of the items here given is in no sense the official one, nor necessarily that of relative importance. The Department of State at Washington might well give precedence to the commercial questions; our Minister at Constantinople might, wisely or unwisely, place the question of the Embassy in the forefront; American citizens, who happen to be Missionaries in Turkey, might fairly object to having pork and higher educational institutions bracketed in discussion with a Moslem Power whose ceremonial law is largely Jewish; while the Turkish Government would no doubt be only too glad to settle the question of naturalized Americans and leave all the others untouched. But the order in which they are to be attacked and pressed to settlement presents one of the most delicate problems in diplomacy.

Let us examine in detail the issues as defined at Constantinople.

(1) The elevation of the American Legation at Constantinople to the rank of an Embassy is a question involving many lines of international policy that can be intelligently discussed only by the diplomatic lawyers within the Department of State at Washington.

But the anomalies and disadvantages of the present situation at Constantinople can be understood by any layman. Ever since the subversion of the Sublime Porte in the early eighties by the irresponsible Palace party, the transaction of business through the regular channels—that is, through the Council of Ministers who are supposed to be the regular government of Turkey—has become increasingly difficult and at times completely impossible. Long negotiations conducted by foreigners with these officers of the Sublime Porte reach a stage where little remains to be done but the affixing of the Sultan's signature. In most lands, this would be granted without further delay. But in Constantinople such matters must now be sent up to the Palace, the road to which is barred and guarded by as astute and unscrupulous a set of courtiers as ever surrounded a despotic ruler. Many highly important communications are delayed for years, or never heard of again. Rarely do any return unmutilated, or without additions that defy explanation, or completely nullify the principle sought for. So that diplomatic representatives in Constantinople spend most of their lives in battling with the absurdities and inconsistencies that lie only half concealed between the Sublime Porte and the person of the Sultan. Money here, as in many other situations, has a magic power. But the next best means is the person of an Ambassador. There are, perhaps, many who do not know that, according to usage in Constantinople, an Ambassador may obtain an audience at any time with the Sultan, and force many items through even against the influence of both the Palace and the Porte. But every representative lower than an Ambassador can never appear before the Sultan except when called for by His Gracious Majesty. This invitation can be secured sometimes by indirect means; but when, for any reason, the Sultan does not wish to see a Minister of any foreign Power, the Palace officials can baffle him, if necessary, for years. Now, the American representative is called "Envoy Extraordinary and Minister Plenipotentiary," and is outranked by every Ambassador to Turkey. Hence, he lacks the all-important privilege of approaching the Sultan uninvited. The United States of America is outranked by half a dozen petty kingdoms, whose combined interests do not equal one-half of the interests of our growing nation. The present Minister, Mr. Leishman, has told\* a part of the story

\* See United States Foreign Relations for 1903.

of his attempts to secure an audience with the Sultan, when his efforts were baffled for more than two months. The story is pitiful and ludicrous in the hopes deferred, the broken promises and the veiled threats. More than once, he was on the point of leaving Constantinople and severing diplomatic relations. More than once he threatened to break off all relations with the Sublime Porte and address his attentions to the Palace alone. Exactly what this might mean none but old residents of Constantinople could fully explain, but it had the immediate effect of causing the Sultan to send a Chamberlain from his own household and beg Mr. Leishman not to proceed to such an extremity.

So Mr. Leishman has rightly regarded the change from the rank of a Minister to that of an Ambassador as a possible key to the whole situation at this stage. And just as certainly has the Sultan seen that to prevent this change is his best move in the game. The pretext that Turkey cannot afford the expense of an Embassy at Washington is a specious one, even though backed by the fact that the Turkish Minister at Washington has seen no salary for years, and it does not count for much in comparison with the deeper reasons. But as far as the verdict of American citizens living inside the Empire is concerned, from the Minister downwards, there seems to be no better way of ending many of the indignities and difficulties of the situation than by elevating the post to the rank of an Embassy. That the Sultan will oppose this step by every means in his power is an absolute certainty, for the traditions and policy of the United States are far removed from what is right and best in his eyes. His Majesty has far too many Ambassadors shouting in his ears, and he hesitates about increasing the number. It is also true that certain of the other Powers will, just as surely, oppose the entrance of this modern giant, some for one reason, some for another. All the despotic Powers, from Germany through the list to Russia, will oppose, because they are certain that the United States will of necessity range herself with the more enlightened and advanced section of the nations on all questions of civil and religious liberty. In exactly the same way those Powers that view the commercial advance of the United States with fear or suspicion will not welcome her appearance in this centre of empire as one of the greater Powers.

(2) Commercial questions between the United States and

Turkey are all of recent date. Twenty years ago, they had almost no existence. Those who would understand the magnitude of them must always read the most recent Consular Reports. American rails and bridges are now being sent down the line of the Pilgrimage Railroad. These Consular Reports set forth clearly the many issues that have appeared at points where new enterprises clash with the vested rights and privileges of other nationalities which have been longer in the field. Without attempting to catalogue or analyze these issues, it will be enough to insist upon this one point: that the American Government has abundant cause for all she has done towards Turkey, quite independent of any philanthropic or educational interests that affect citizens of the United States now residing within the Empire.

In this category may be classed all questions concerning property owned by American citizens. For hundreds of years, no foreigner could hold property in the Empire. Not until early in the seventies was a treaty negotiated according to which Americans were allowed to own property in their own names. But the Turkish Government bitterly opposed and hindered any American from holding property as the *agent* of any Society, or company, in his own land, and does not recognize any will or legal paper which wills such property trusts to the real owners at his death. When it is realized that there are a thousand thorny difficulties in the way of transfers, and that the legal expenses of regular transfers frequently amount to five or six per cent. of the total value of the property, it will be seen that commercial and philanthropic enterprises are seriously handicapped in Turkey. Each time the American Missionary or agent moves from the field, the transfer of property to some other name reopens all the difficulties of the situation and involves great expense. When the holder passes away by death, and his heirs are scattered all over the world, the difficulties are increased enormously. Whenever our Government secures the same treatment as France and other nations, property can be transferred to the name of the Society or its Treasurer, and all this problem will be solved. By denying a College or a Mission a firman the Government can worry such an enterprise forever, and according to strict Turkish law can claim the whole or a part of the property of a foreigner dying without heirs. Property given for Christian enterprises might thus be absorbed and used for Mohammedan purposes.

Now, according to the Capitulations, Missionaries of all countries have a standing, not alone as citizens or subjects of their own countries, but *also as Missionaries* in Turkey. And, as such, their enterprises have been recognized officially for centuries. Where the Turkish Government lives up to this obligation, property can be registered in the name of the Society or its Treasurer, and this constantly recurring trouble and expense avoided forever. As far as I can learn, Turkey is now the only country in the world where philanthropic enterprises are still hampered by such vexatious restrictions. At the time of the Mitylene incident, France demanded and secured the recognition of every religious and philanthropic enterprise, new and old, conducted by French citizens, and at the same time secured the orders for the transfer of all properties held in trust for them to the Societies interested, and insisted that all this should be carried out without the payment of any of the fees or charges demanded in ordinary circumstances. Since then the French Government has extended its postal facilities in Turkish cities by attaching letter-boxes to French property, as she does in her own colonies, and has insisted on the right of French citizens hoisting the French flag over such properties, as though they were in France. Other nations at once demanded and obtained the same treatment for the enterprises and properties of their respective subjects, and they are now in the process of completing these transfers. The American Government made the same demand on September 12th, 1902, for the enterprises and properties controlled by American citizens, and this demand was curtly refused and has been opposed by all kinds of ruses and crooked means.

(3 Treatment of American religious and philanthropic enterprises.

For fifty years, American missionaries, when pressed for *religious* reasons by Turkey, have appealed to the English Ambassadors and Consuls, and let it be recorded and never forgotten that these men have never failed to do all in their power for us and for native Protestants, and have made possible the existence of a Protestant community in the Turkish Empire.

When the American Government secured by treaty the right for her citizens to acquire and hold property, there were no conditions attached other than those applying to all foreigners. Now, Turkish law, as well as the immunities enjoyed by the native

Christian communities and the regulation of the Capitulations, provides for freeing from taxes, etc., all buildings and properties devoted to religious, educational and philanthropic uses; and American Missionaries once enjoyed these privileges by common courtesy in a large part of their properties. But there came a time, not many years ago, when the Turkish Government began to prefer charges against us for having alienated what was once taxable property without Government permission. In nine cases out of ten, we at once answered the charge (in Syria at least) by paying taxes and securing *tabu* deeds for properties which had been held until then by the old-fashioned court deeds. There are, among our properties, dedicated churches and several large schools that had been recognized more or less fully in firmans and papers issued by the central Government at Constantinople. On these we refused to pay, because they had also more than once been recorded in the Government books as free from all taxes. When we presented our case the Government answered: "You are not recognized by firman," even though we had been working here for more than *seventy* years. When we appealed to our own American Government in the eighties, the position was taken that our long residence and enjoyment of our rights as Americans constituted a virtual treaty, and that we were not to be molested. But this was only a temporary relief from annoyance. All permission to repair, extend or transfer any property, large or small, was denied, on the ground that we were an illegal organization. To make matters worse the Government, in pursuing its demands for taxes, was not content with starting with the date of its demand; but, in dozens of instances, it demanded back taxes for *fifteen* years. This amounted in many cases to a virtual repurchase of the property from the Government.

Then came another series of orders from Constantinople forbidding us to use such properties for church, school or hospital purposes, until we had obtained the imperial permits to do the same. More than once, official notices were printed in the papers threatening to close all our schools at a certain date, if such permits were not obtained. Knowing well that no such permits could be obtained in ten times the time allowed, we appealed to our Government again, and once more the trouble was averted by another imperial rescript suspending the order to close and imperfectly recognizing all our schools that had been open for

more than ten years. At that time, 1889, we filed lists of all our property and schools with our American Legation at Constantinople, and, according to directions and instructions, made application to the Turkish Government for local school permits which the Turkish Government assured our Legation would be issued promptly. For a period of more than *seven* years, 1890-1897, the writer of this article pursued the matter of these permits in the Government at Damascus, exhausting every resource to complete what the Turkish Government had promised so freely in order to make all our educational enterprise legal. During these seven years, we presented list after list of our 53 schools in that Vilayet; ream after ream of paper was covered with attempts to conform to the regulations. We presented set after set of all the books used in all our schools. Twice all the papers, diplomas of teachers and books were lost, and a third time we renewed them. After seven years we received permits for perhaps one-third of all our schools in the Vilayet of Damascus. We went through the same process of petitions, lists, questions answered, books submitted for all our 60 schools in the Beirut Vilayet, and never received *a single one of the permits promised*. The central Government at Constantinople refused to recognize by firman the various Missions and enterprises conducted by American citizens, and the local authorities, instructed properly from the central source, made it impossible to conform to the local requirements, so that it was plain to all that the Government was against us, and that every apparent concession or promise to legalize our position was a lie or a trick. The attitude of the Government every year since these events (1897) proves this assertion. Other nations resented more vigorously these subterfuges and encroachments, and never suffered as keenly as we. But it remained for France to make the final protest at Mitylene.

Now our condition as Americans has grown steadily worse. Applications for firmans for long-established institutions have been refused; applications for permits to repair or enlarge or to build schools or hospitals have all been shelved, we know not where. We have wearied ourselves and our Legation in attempting to conform to the impossible. Hence, we are now a unit in taking the stand that nothing further can be done until our Government has induced or forced the Sultan to say the one word necessary: *i. e.*, that American interests and enterprises shall be



accorded the same treatment as those of all other nations. After that, the verifying of the number of the schools, the extent of the properties, what should be freed from taxes, the transfer of the titles, etc., can be attended to as convenient. Until that word of the Sultan has been spoken and recorded, all other processes are sure to be failures.

One of the shrewdest lines of Turkish policy, as seen in the course of its attitude towards all foreign enterprises, has been about as follows. Drastic irades are issued which infringe upon long-established rights or immunities. They are sent out to the local governors, and not for months do the Legations have accurate knowledge of them. Protests are registered; and then the central Government promises to send out another order directing provincial governors *to stay the execution* of these drastic irades. The matter grows cold, and, like ten thousand other Turkish regulations, lies neglected by all. But some years later, the invidious irade is suddenly dug up and put into execution. By that time, many changes have taken place in the Embassies and Legations. The occupants are new at the business of the Turkish Empire. Complaints increase, and, when the matter is again forced upon the notice of the Sultan's ministers, the answer is about as follows: "There is nothing new in this irade. It was promulgated years ago. Objections are no longer in order. They should have been made at the time of its issue." And again the Embassies go through the farce of objecting, and again the Turkish Government leads them all through the long lane of Turkish promises to nowhere. But at each process the Turk has gained something that he is after.

It needs to be repeated and kept in mind that the present situation has not been brought about by any lack, on the part of the Missionaries, of conformity to Turkish laws and regulations; nor has it been by any combination of Missionaries as a class to secure new or wider privileges or immunities. All that Missionaries have done is to join in the general protest against the increasingly intolerant restrictions of the present régime and the secret and open filching away of privileges long enjoyed.

(4) Position and treatment of naturalized American citizens, formerly subjects of the Sultan.

In 1868 Congress declared that "the right of expatriation is a natural and inherent right of all people, indispensable to the en-

joyment of the rights of life, liberty and the pursuit of happiness," and one of the "fundamental principles of the republic." Soon thereafter (1870), England and the United States, abandoning the old doctrine of the indelibility of natural allegiance, through convention and treaties with many Powers in Europe, opened a free exchange of nationality. Now, for nearly thirty years the American Government has been trying, at longer or shorter intervals, to conclude some sort of a Naturalization Treaty with Turkey, but in vain. Turkey still maintains the most ancient custom in Europe and flatly denies the right of any Ottoman subject to renounce his nationality. Her bitter and uncompromising attitude in religious matters, where no Moslem by any fair means can become a Christian, and where no non-Mussulman heir can inherit anything of a Mussulman's property, is extended very naturally to the matter of citizenship and allegiance. Any Ottoman subject who renounces his allegiance to the Sultan and afterwards visits the Empire is liable to banishment forever; and the property of any individual who has thus abandoned Ottoman nationality, without legal authority to do so, does not even pass to his heirs, whether Ottoman or foreign, but devolves to the state.

In 1855 when the famous edict, the Hatti Hamayun, was issued, professing to "abolish every distinction making any class of the subjects of the Ottoman Empire inferior to any other class on account of their religion, language or race," and establishing, as was thought by all the world, religious liberty in Turkey, many Moslem subjects looked toward a profession of Christianity with favor. But every hope in this direction was dashed rudely to the ground by the declaration of the Government explaining that such was not the meaning and scope of that edict at all! It simply legalized the existence of the Christians, whose very life breath had been before that an illegal thing, according to the Moslem law which offered the sword or the Koran to every human being falling into their power. When England and Germany and other Christian Powers attempted to protect any man who dared to make the attempt at a change of religion from Mohammed to Christ, the Government seized him as a *deserter from military service*, because none but the followers of the Prophet are drafted into the Turkish army. When England pressed forward to protect any such converts, some of the other

Powers malignantly pointed out the fact to Turkey that, if England's understanding of the famous edict prevailed, she would thereby strike a death-blow at Turkey's military establishment, for it was more than probable that half the Moslems of the Empire at that time would soon have made a nominal profession of Christianity in order to escape the military conscription.

England concluded many treaties with other Powers, and foreseeing the difficulties arising from frauds, possible in lands where the military service is compulsory, soon added some restrictions to her grant of citizenship which have saved her many complications. The English law thus provides:

*"An alien, to whom a certificate of naturalization has been granted, shall enjoy all political and other rights and privileges, and be subject to all obligations to which a natural-born British subject is entitled or subject in the United Kingdom, provided that he shall not, when within the limits of the former state of which he was a subject previously to his obtaining his certificate of naturalization, be deemed a British subject unless he has ceased to be a subject of that state in pursuance of the laws thereof, or in pursuance of a treaty to that effect."*

These italicized clauses have no meaning to the citizen from the United States wishing to become a British subject; but they have a very important bearing upon the applicant from France, from Germany, from Russia and from Turkey. Now, the United States law which claims that "the right of expatriation is a natural and inherent right of all people" makes no exception in the case of Ottoman subjects.

Emigration from Turkey to the United States began with the Bethlehemites in 1875, and has grown to alarming proportions within thirty years. The troubles in Armenia and elsewhere have added impulse to the movement, until the numbers now reach into hundreds of thousands. Prior to 1900, perhaps 95 out of every 100 were Christians; and, seeing that Christian communities pay their taxes in bulk, these absentees were not missed and the Government gave itself little concern, so long as the remainder of the Christian community had to pay the taxes in full for the present and absent. But, a few years ago, the Moslems began to go in large numbers, until it has become the most popular means of escaping the heavy burdens of the military conscription. Those who are drafted yearly from Syria are always sent to the more remote parts of the Empire. In Mace-

donia they face cold, bloodshed and death; in Yemen they face unbearable heat, hunger and pestilential disease. The fraction who live to return come home after eight or ten years ragged, penniless and ruined in health. By fleeing to the United States they can spend the same number of years in what seems to them heaven. Now, these Moslems almost invariably emigrate to the States for reasons that every one knows. They have learned that, in the matter of citizenship, our fundamental law lays down no restrictions, and that nowhere on the earth can they get so much for nothing! Of these emigrants, perhaps one-third will die in foreign lands, one-third will settle down and one-third will return. But, whether they die or remain away or return, they furnish knotty problems for American Consular representatives in Turkey. Those who remain abroad, as the Armenians, are calling for their wives and children, whom the Turkish Government insists upon holding as hostages, even when demanded by name by our Minister at Constantinople; while those who return and demand their rights as American citizens will open every phase of this strife for civil and religious liberty. The records of the American Consulates in Turkey will give the story of what happens every month in Turkey, but heretofore these troublesome cases have been mainly those of Christians and Jews. From this time forward, we shall hear more of the former Moslem subjects of the Sultan; and, seeing that the American Government is the only Government in the world that stands on the unconditional claim "that the right of expatriation is a natural and inherent right of all people," we are bound to come into conflict with the Sultan, not only on the political but also on the religious horn of the dilemma. Our Government will have to choose between limiting the value of American citizenship, which means a change in "the fundamental law of the land," and protecting these naturalized citizens when they return to Turkey, which brings up a controversy that will shake the foundations of this antiquated system.

I do not presume to offer any solution to these questions. I have referred to the British Naturalization Law, which adds conditions to its grant of nationality. But I do wish to repeat that, whatever may be American claims and grievances at Constantinople, in the Turkish official mind there is no item of international import that causes any such nightmares as this one, be-

cause it is not only entangled with the rights of Ottoman subjects, but also affects the military establishment and the foundations of the Mohammedan religion. And, furthermore, while the matter of the Embassy may loom large in the mind of the Minister at Constantinople, and while the matter of the American schools and institutions may seem to be the largest feature in the landscape for other people, let it be repeated that our American Government has enough other grievances, political and commercial, to justify amply all it has done in recent years, quite independently of the matter of the Embassy and the schools. Back of all the details, no matter how large they may be, is the fundamental question: Will or will not Turkey accord to the American Government and American citizens the same treatment that she has accorded to other nations and their subjects? If the starred spaces in the Foreign Relations of the United States with Turkey for 1903 were filled out, it would be found that our American Minister in Constantinople had been more than once subjected to treatment such as finds no place in the dealings of *civilized* Powers with each other. American patience and good humor is proverbial; but, when tested beyond the safety point, there is danger of an explosion of something besides expletives.

The "most-favored-nation clause," in modern international politics, is a keen weapon that cuts largely according to the will and heart of the hand that wields the glittering blade. Turkey, rightly from her mediæval point of view, dreads to make this concession in principle to the American Government, because she can see that the United States cannot be ranged in line with the European Powers on many of the most important issues of human struggle and aspiration. We have the confidence, however, that, whatever may be the final tabulated results of diplomatic efforts at Constantinople, God, in His providence, will use the American people and Government to deliver another mighty blow in the interests of civil and religious liberty. For the *same* privileges granted to the United States that have been granted to Russia or Germany will differ in actual results according to the difference of the civil and religious genius of the peoples and nations in question.

AMERICUS.